

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION**

EDRICK JAMAR DUNN #1896519

Plaintiff,

v.

JIM BOB DARNELL, BARBARA SUCSY,
AND SARA L. SMITH

Defendants.

§
§
§
§
§
§
§
§
§
§

Civil Action No. 5:25-CV-00132-H

NOTICE OF REMOVAL

TO THE UNITED STATES DISTRICT CLERK:

Please take Notice that Defendants Barbara Sucsy and Sara L. Smith hereby remove to this Court the state court action described below, pursuant to 42 U.S.C. § 1983, and show the Court as follows:

I.

COURT’S JURISDICTION—FEDERAL QUESTION

This is a civil action in which this Court has original jurisdiction pursuant to 42 U.S.C. § 1983 (federal question) and is one which may be removed to this Court by Defendants Barbara Sucsy and Sara L. Smith pursuant to 28 U.S.C. § 1441(a). The Plaintiff filed his Amended Petition on July 21, 2024. The Plaintiff’s Amended Petition, on page 1, asserts “that the defendants have intentionally and knowingly violated the plaintiff’s rights under the United States and Texas Constitutions[.]” *See* Pl.’s Am. Pet. at 1. Furthermore, the Plaintiff’s Amended Petition, on page 8, asserts that “the state court employees conspired to and did deny ‘Due Process’, or ‘disobey the want of habeas corpus’, or ‘Abuse Process’, or ‘Deny Equal Protection’, or ‘Deny Access to Court, or ‘Illegally Restrain’, or ‘Obstruct Justice’” *See* Pl.’s Am. Pet. at 8; *see also id.* at 11; 13-

16. Although inartfully worded, the allegations invoke constitutional claims against the Defendants.

II. TIMELINESS OF REMOVAL

The Plaintiff's most recent pleading which asserted federal claims was his Amended Original Petition, and the Plaintiff filed it on June 4, 2024. However, none of the Defendants were served until late May 2025. Defendants Barbara Sucsy, Sara L. Smith, and Jim Bob Darnell were served on May 22, 2025. Therefore, Defendants Barbara Sucsy and Sara L. Smith are removing this case within 30 days of the Plaintiff's Amended Petition being served on the Defendants. *See* 28 U.S.C. § 1446(b). As set forth below, Defendant Darnell consents to the removal.

III. CONSENT TO REMOVAL

Counsel for Defendants Barbara Sucsy and Sara L. Smith conferred with counsel for Defendant Jim Bob Darnell concerning removal, and Defendant Darnell's counsel consented to removal to federal court.

IV. VENUE

Venue is proper in the Lubbock Division of the Northern District of Texas because a substantial part of the events or omissions giving rise to the Plaintiff's claims occurred within the Lubbock Division. *See* 28 U.S.C. § 1391.

WHEREFORE, PREMISES CONSIDERED, Defendants Barbara Sucsy and Sara L. Smith pray that notice be taken of the removal of the above-mentioned action now pending in the 237th Judicial District Court of Lubbock County, Texas, styled *Edrick Jamar Dunn #1896519 v. Jim Bob Darnell, Barbara Sucsy, and Sara L. Smith* bearing Cause No. DC-2023-CV-1533¹ from that

¹ Two state court cases have been consolidated, namely: Cause Nos. DC-2024-CV-0646 and DC-2023-CV-1533.

court to this Honorable Court.

Respectfully submitted,

/s/ Matt D. Matzner

MATT D. MATZNER

Texas Bar No. 00797022

MORGAN DAY VAUGHAN

Texas Bar No. 24060769

CRENSHAW, DUPREE & MILAM, L.L.P.

Post Office Box 64479

Lubbock, Texas 79464-4479

Telephone: (806) 762-5281

Facsimile: (806) 762-3510

mmatzner@cdmlaw.com

mvaughan@cdmlaw.com

***Counsel for Defendants Barbara Sucsy
and Sara L. Smith***

CERTIFICATE OF SERVICE

A true and correct copy of the above and foregoing was on this 20th day of June, 2025, served as follows:

VIA CERTIFIED MAIL, RRR

NO. 9589 0710 5270 0002 5980 07

Edrick Jamar Dunn #1896519

1200 FM 655

Rosharon, Texas 77583

Pro se Plaintiff

VIA ECF

R. Neal Burt

Sara E. Rice

Megan L. Rogers

Assistant District Attorneys

Lubbock County Courthouse

P.O. Box 10536

Lubbock, Texas 79408

nburt@lubbockcounty.gov

srice@lubbockcounty.gov

mrogers@lubbockcounty.gov

Counsel for Defendant Jim Bob Darnell

/s/ Matt D. Matzner

MATT D. MATZNER

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Edrick Jamar Dunn #1896519

(b) County of Residence of First Listed Plaintiff **Brazoria**

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

**Pro se Plaintiff, No Attorney, 1200 FM 655,
Rosharon, Texas 77583, Telephone: N/A**

DEFENDANTS

Jim Bob Darnell, Barbara Sucsy, and Sara L. Smith

County of Residence of First Listed Defendant **Lubbock**

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Matt D. Matzner and Morgan Day Vaughan; Crenshaw Dupree & Milam, LLP; 4411 98th St. Ste. 400, Lubbock, TX 79424; (806) 762-5281; for Defendants Barbara Sucsy and Sara L. Smith; and R. Neal Burt, Sara E. Rice and Meghan L. Rogers; Assistant District Attorneys, P.O. Box 10536, Lubbock, TX 79408, (806) 775-1112

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander		INTELLECTUAL PROPERTY RIGHTS	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability		<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine		<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability		<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 350 Motor Vehicle	LABOR	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 880 Defend Trade Secrets Act of 2016	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 720 Labor/Management Relations	SOCIAL SECURITY	<input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 485 Telephone Consumer Protection Act
<input type="checkbox"/> 195 Contract Product Liability		<input type="checkbox"/> 751 Family and Medical Leave Act	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 196 Franchise		<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 850 Securities/Commodities/Exchange
		<input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS		<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 210 Land Condemnation	<input checked="" type="checkbox"/> 440 Other Civil Rights	IMMIGRATION		<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 462 Naturalization Application	FEDERAL TAX SUITS	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/Accommodations		<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment			<input type="checkbox"/> 950 Constitutionality of State Statutes
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other			
	<input type="checkbox"/> 448 Education			
	PRISONER PETITIONS			
	<input type="checkbox"/> 463 Alien Detainee			
	<input type="checkbox"/> 510 Motions to Vacate Sentence			
	<input type="checkbox"/> 530 General			
	<input type="checkbox"/> 535 Death Penalty			
	Other:			
	<input type="checkbox"/> 540 Mandamus & Other			
	<input type="checkbox"/> 550 Civil Rights			
	<input type="checkbox"/> 555 Prison Condition			
	<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

VI. CAUSE OF ACTION

Brief description of cause:

Plaintiff is bringing alleged Constitutional claim, including due process, equal protection, and access of court.

VII. REQUESTED IN COMPLAINT:☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

Less Than 250,000.00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE **James Wesley Hendricks**

DOCKET NUMBER and (5) 5:23-CV-00180.

DATE

June 20, 2025

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; NOTE: federal question actions take precedence over diversity cases.)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
Original Proceedings. (1) Cases which originate in the United States district courts.
Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket. **PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related cases, if any. If a related case exists, whether pending or closed, insert the docket numbers and the corresponding judge names for such cases. A case is related to this filing if the case: 1) involves some or all of the same parties and is based on the same or similar claim; 2) involves the same property, transaction, or event; 3) involves substantially similar issues of law and fact; and/or 4) involves the same estate in a bankruptcy appeal.

Date and Attorney Signature. Date and sign the civil cover sheet.

Supplemental Civil Cover Sheet for Cases Removed From State Court

This form must be attached to the Civil Cover Sheet at the time the case is filed in the U.S. District Clerk's Office. Additional sheets may be used as necessary.

1. State Court Information:

Please identify the court from which the case is being removed and specify the number assigned to the case in that court.

<u>Court</u>	<u>Case Number</u>
237th Court of Lubbock County, Texas	DC-2023-CV-1533

2. Style of the Case:

Please include all Plaintiff(s), Defendant(s), Intervenor(s), Counterclaimant(s), Crossclaimant(s) and Third Party Claimant(s) still remaining in the case and indicate their party type. Also, please list the attorney(s) of record for each party named and include their bar number, firm name, correct mailing address, and phone number (including area code).

<u>Party and Party Type</u>	<u>Attorney(s)</u>
Edrick Jamar Dunn #1896519 Plaintiff	No Attorney <i>Pro se</i> Plaintiff 1200 FM 655 Rosharon, Texas 77583
Barbara Sucsy and Sara L. Smith Defendants	Matt D. Matzner Texas Bar No. 00797022 Morgan Day Vaughan Texas Bar No. 24060769 Crenshaw, Dupree & Milam, LLP 4411 98th Street, Suite 400 Lubbock, TX 79424 (806) 762-5281
Jim Bob Darnell Defendant	R. Neal Burt Texas Bar No. 03475450 Sara E. Rice Texas Bar No. 24110273 Megan L. Rogers Texas Bar No. 24077249 Assistant District Attorneys Lubbock County Courthouse P.O. Box 10536 Lubbock, Texas 79408

3. Jury Demand:

Was a Jury Demand made in State Court?



Yes



No

If "Yes," by which party and on what date?

Defendants Barbara Sucsy and Sara L. Smith

Party

June 16, 2025

Date

Was an Answer made in State Court?



Yes



No

If "Yes," by which party and on what date?

Defendants Barbara Sucsy and Sara L. Smith

Party

June 16, 2025

Date

Defendant Jim Bob Darnell

Party

June 16, 2025

Date

4. Unserved Parties:

The following parties have not been served at the time this case was removed:

<u>Party</u>	<u>Reason(s) for No Service</u>
N/A	N/A

5. Nonsuited, Dismissed or Terminated Parties:

Please indicate any changes from the style on the State Court papers and the reason for that change:

<u>Party</u>	<u>Reason</u>
N/A	N/A

6. Claims of the Parties:

The filing party submits the following summary of the remaining claims of each party in this litigation:

<u>Party</u>	<u>Claim(s)</u>
Edrick Jamar Dunn, <i>Pro se</i> Plaintiff	The Plaintiff invokes constitutional claims and asserts that “the state court employees conspired to and did deny ‘Due Process,’ or, ‘Disobey the Writ of habeas corpus,’ or, ‘Abuse Process,’ or, ‘Deny Equal Protection,’ or ‘Deny Access of Court,’ or, ‘ILLEGALLY RESTRAIN,’ or, ‘Obstruct Justice,’ or, ‘Breach of Fiduciary Duties,’ or, ‘Breach of Settlement Agreement Implied In Law.’”